IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 15914 of 2004

Between:

Naresh Kumar Agarwal, S/o. Radheshyam Agrawal,
R/o. Mossapet, Hyderabad.Occ. Prop.of Shiva Marbles,
Road No.1, HIG-15/1, K.P.H.B.Colony, Hyderabad.

..... PETITIONER

AND

The Municipal Commissioner, Kukatpally Municipality, Kukatpally, RR District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus, declaring the action of the Respondent issue show cause notices dt. 23-8-04 and 31-8-04, to demolish the temporary sheds is illegal, arbitrary and consequently direct the respondent not to demolish the petitioner temporary sheds.

For the Petitioner: MR.PRAKASH CHAKRAVARTHY , Advocate

For the Respondent: MR.R.TIMMA REDDY , Standing Counsel for Municipality

The Court at the admission stage made the following :

ORAL ORDER

Heard the learned counsel for the petitioner as well as Sri Thimma Reddy, learned Standing Counsel for the respondent.

Learned counsel for the petitioner fair in his submission that no permission as such was obtained by the petitioner before making construction, namely, construction of the temporary business shed, where he is doing marble business.

In the absence of any permission obtained from the Municipality as contemplated under the provisions of the Act for making such construction, issuing such show cause notice calling upon the petitioner to remove the deviations which are constructed without obtaining permission and confirmation order dt. 30-8-2004 cannot be termed as arbitrary or illegal, since the Municipality is under obligation to see that constructions can not be made without there being any permission obtained from the competent authority for such construction.

The writ petition is accordingly dismissed. The petitioner is at liberty to file an appeal against the confirmation order, if he is so aggrieved. No costs

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A.GOPAL REDDY,J

Dt.3-9-2004

Kmr

ASST. REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Municipal Commissioner, Kukatpally Municipality, Kukatpally, RR District.

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